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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,682	08/10/2003	Tonnie G. Schaus	Handbag	1681
23217	7590	10/13/2005	EXAMINER	
GLENN L. WEBB P.O BOX 951 CONIFER, CO 80433			WEAVER, SUE A	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/604,682

Applicant(s)

SCHAUS ET AL.

Examiner

Sue A. Weaver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 9-13 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9-13 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fromm, of record.

Fromm teaches an interchangeable handbag system with an inner handbag which may be used with a cover or by itself by attaching a strap to end loops 35. Fromm further teaches a liner for the cover or outer bag which permits the inner bag to slide within the outer bag for assembly. Such lining inherently protects the inner bag.

2. Claims 1, 3, 7, 9, 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salz in view of Fromm, both of record.

To have provided the outer bag or cover of Salz with a lining in the manner taught by Fromm and formed the inner bag of a material to be used independently would have been obvious to one having ordinary skill in the art. To have further provided the inner bag with a strap for ease of independent carrying would also have been obvious to one having ordinary skill in the art.

3. Claims 1, 3 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton in view of Fromm, both of record.

To have formed the outer bag or cover with a lining in the manner taught by Fromm would have been obvious. Note the open sides at 12 of Sutton.

4. Claims 2 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of either Rosenberg, of record or Farkas, '777.

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To have optionally secured the inner bag in the outer bag or cover with a collar or flaps covering the top edge of the inner bag would have been obvious in view of such teaching by either Rosenberg or Farkas at 2.

5. Claims 13 and 23-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Smith, of record. To have merely provided the seam of the outer bag or cover with a metal rectangular reinforcement tab like a zipper pull to prevent tearing would have been obvious in view of such teaching by Smith.

6. Applicant's arguments with respect to claim 2 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments, see page 6 of the amendment, filed 8/8/05, with respect to objections to claims 21 and 24 and 112 rejection of claims 21, 22, 24 and 25 have been fully considered and are persuasive. The objections and 112 rejections of claims 21, 22, 24 and 25 have been withdrawn. Applicant's arguments filed 8/8/05 have been fully considered but they are not persuasive. Contrary to applicant's arguments Fromm does indeed teach an inner bag which maybe sued independently with an attached strap or combined with an outer cover. For that matter so does Sutton for the pouch 11 by attaching a removable strap 21 to it. Therefore claims 1-3, 7, 9-13 and 20-26 remain

rejected while claims 4-6⁸ and 14-19 have been canceled.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is (571) 272-4548. The examiner can normally be reached on Tuesday-Friday (6-4:30).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SW



Sue A. Weaver
Primary Examiner